

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 21-CR-258-JFH

SHAWN CLAUDE ROSE,

Defendant.

OPINION AND ORDER

Before the Court is a Unopposed Motion to Dismiss (“Motion”) filed by the United States of America (“Government”). Dkt. No. 40. The Government requests leave to dismiss the indictment [Dkt. No. 2] without prejudice as to Defendant Shawn Claude Rose (“Defendant”). *Id.*

Under Fed. R. Crim. P. 48(a), “courts must grant prosecutors leave to dismiss charges unless dismissal is clearly contrary to manifest public interest.” *United States v. Robertson*, 45 F.3d 1423, 1437 n.14 (10th Cir. 1995) (quoting *Rinaldi v. United States*, 434 U.S. 22, 30 (1977)). The Court concludes that dismissal of the charge against Defendant is not contrary to the public interest, nor is it for an improper purpose. The Government’s motion to dismiss should be granted.

IT IS THEREFORE ORDERED that the Government’s Unopposed Motion to Dismiss [Dkt. No. 40] is **GRANTED** and the Indictment [Dkt. No. 2] is **dismissed without prejudice** as to Defendant Shawn Claude Rose.

IT IS FURTHER ORDERED that Defendant Shawn Claude Rose is released.

Dated this 29th day of March 2022.



JOHN E. HEIL, III
UNITED STATES DISTRICT JUDGE